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BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NOS. 96-093-C & 96-171-C - ORDER NO. 96-800 ✓

NOVEMBER 18, 1996

IN RE: **DOCKET NO. 96-093-C** - Application of) ORDER
AT&T Communications of the Southern) RULING ON
States, Inc. for the Requirement of) THE FILING OF
Interconnection Agreements.) INTERCONNECTION
AND) AGREEMENTS
DOCKET NO. 96-171-C - Request of)
MCI Telecommunications Corporation)
to require South Carolina Local)
Exchange Companies to Immediately)
File with the Commission and make)
Public all Interconnection)
Agreements with other Carriers.)

This matter comes before the Public Service Commission of South Carolina (the Commission) pursuant to our issuance of Order No. 96-670, which set the matter of the filing of Interconnection Agreements pursuant to Section 252(a) of the Telecommunications Act of 1996 for oral argument.

With regard to the history of this matter, AT&T Communications of the Southern States, Inc. (AT&T) filed a letter with the Commission requesting that the Commission require, pursuant to Section 252(a) of the Telecommunications Act of 1996, all interconnection agreements (including those negotiated before the date of enactment of the Act) between incumbent local exchange companies (LEC's) and other carriers to be submitted to the

Commission. The Commission stated in Order No. 96-398, dated June 10, 1996, that it had concluded that the law was not clear on the role of the State Commissions in this matter. Therefore, we ordered oral arguments at that time. In Order No. 96-435, dated June 28, 1996, however, we held our ruling in abeyance, since the Federal Communications Commission (FCC) was expected to render a decision on this same question at the Federal level. We did not want to decide the matter in a manner potentially inconsistent with the FCC. Subsequently, on August 8, 1996, the FCC did issue Order No. 96-235, which dealt with this issue. MCI Telecommunications Corporation (MCI) also filed a letter requesting the filing of all interconnection agreements. In Order No. 96-670, we ordered further oral arguments on the subject, to get input from the parties on what effect the FCC's ruling had on the statutory law.

The second set of oral arguments was held at 10:30 am on October 30, 1996, under both the AT&T and MCI Dockets. The arguments were held in the Commission's hearing room, with the Honorable Guy Butler, Chairman, presiding. MCI was represented by B. Craig Collins, Esquire. AT&T was represented by Francis P. Mood, Esquire. BellSouth Telecommunications, Inc. (BellSouth), an intervenor in the AT&T Docket, was represented by Harry M. Lightsey, III, Esquire and William F. Austin, Esquire. Other commentors in one or both Dockets that also presented oral argument were the Consumer Advocate for the State of South Carolina (the Consumer Advocate), represented by Elliott F. Elam,

Jr., Esquire, the South Carolina Telephone Coalition (SCTC), represented by Margaret M. Fox, Esquire, and GTE South, Inc. (GTE), represented by Steven W. Hamm, Esquire. The Commission Staff (the Staff) was represented by F. David Butler, General Counsel and Catherine D. Taylor, Staff Counsel.

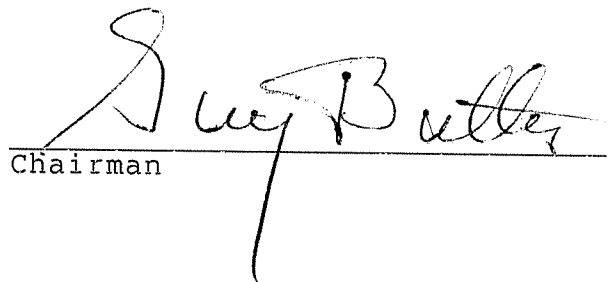
One of the points raised in the latest oral arguments was whether or not S.C. Code Ann. Section 58-9-290 (1976) already required the filing of all existing interconnection agreements with this Commission. First, we would note that existing interconnection agreements were entered into by Local Exchange Carriers (LEC's) to create Extended Area Service (EAS) areas in South Carolina. Further, it is this Commission's opinion that with the passage of House Bill 4694 by the General Assembly in the 1996 Legislative Session, that S.C. Code Ann. Section 58-9-290 (1976) has been repealed by implication as to the required filing of these agreements. Further, this Commission is also aware that the Staff has advocated in the past the position that these agreements being on the respective LEC premises and, therefore, subject to review was a reasonable alternative and equivalent to having the agreements filed on the Commission's premises. We agree, and, therefore, take the position that the LEC's were not in violation of State law by following this procedure as it relates to interconnection agreements.

With regard to the main question raised by MCI and AT&T, however, we must agree that, at this point the law, as stated in FCC Order No. 96-235 requires the filing of interconnection

agreements, though that Order is being challenged in Court at present. However, we must follow the law as it presently is, not as it might be in the future. For this reason, the Commission shall require Class A to Class A interconnection agreements in effect as of June 30, 1997 to be filed with this Commission by June 30, 1997. The Commission shall also require interconnection agreements in effect as of December 31, 1997 between Class A companies and small companies to be filed with the Commission by December 31, 1997. Further, the Commission shall require small company to small company interconnection agreements in effect as of June 30, 1998 to be filed with the Commission by June 30, 1998. We must caution all companies, however, that, should the FCC Order concerning the filing of interconnection agreements be modified, we may review this decision.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)